

REMARKS

Claims 7-16 are pending in the application. The specification has been amended to clarify the reference to formula (I). Claim 7 has been amended to limit the value of n in formula (I) to 3 and to remove the term "basic" as a modifier of the term "filler". Claim 17 has been added. Support for the amendments can be found in the original claims, page 2, line 4 to page 3, line 16, page 4, lines 1-21, page 6, line 25 to page 7, line 7, and page 10, lines 5-14 (Example A1) of the specification. No new matter has been added by way of the amendments.

Claims 7-16 are rejected. In the Office Action mailed March 25, 2003, the disclosure is objected to for referring to compounds as represented by a structural formula representing part of a compound. Claims 7-16 are rejected under 35 U.S.C. 112, first paragraph, for insufficient description. Claims 7-16 are rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. Claims 7, 8, 10, 11, 13 and 14 are rejected under 35 U.S.C. 102(b) for anticipation by EP 831108.

Objections for informalities

The Examiner has objected to the disclosure for the reference, on line 23 of page 4, to amino functional silanes as corresponding to structural formula (I), because the exemplified silanes are compounds, whereas structural formula (I) merely represents a group or part of a compound. Accordingly, the specification has been amended to refer to compounds reacting to produce end groups corresponding to structural formula (I).

Rejections under 35 U.S.C. §112, first paragraph

The Examiner has rejected Claims 7-16 under 35 U.S.C. 112, first paragraph, for insufficient description. The Examiner maintains that the word "basic", as used to describe the filler, is unclear from the specification. Claim 7 has been amended to refer to a filler.

Applicants submit that because of the above-detailed change, the claims are in compliance with 35 U.S.C. §112, first paragraph, and respectfully request the Examiner reconsider and withdraw his rejection under 35 U.S.C. §112, first paragraph, for indefiniteness.

Rejections under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 7-16 under 35 U.S.C. 112, second paragraph, for indefiniteness. The Examiner maintains that it is unclear what limitation is to be conveyed by the term "basic", as used to describe the filler. Claim 7 has been amended to refer to a filler, and does not recite the term "basic."

In light of the amendments herein, the rejection is respectfully traversed. Applicants submit that because of the above-detailed change, the claims are in compliance with 35 U.S.C. §112, second paragraph, and respectfully request the Examiner reconsider and withdraw his rejection under 35 U.S.C. §112, second paragraph, for indefiniteness.

Rejections under 35 U.S.C. §102(b)

a) EP 831108

Claims 7, 8, 10, 11, 13 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by EP 831108 ("the '108 document"). The Examiner maintains that the reference discloses the endcapping of polyurethane prepolymers with N-silylalkyl-aspartic esters. The Examiner also maintains that, because the ester endcapped urethane is produced with an excess of the N-silylalkyl-aspartic ester, the resulting product contains free N-silylalkyl-aspartic ester in quantities that meet the present claims.

However, the N-silylalkylaspartic ester disclosed in the '108 document differs in composition from the N-silylalkylaspartic ester of Claim 7 of the present application, as amended herein. The integer "n", as shown in formula (II) of Claim 7 is 3 (as in Example A1). The '108 document does not teach the presence of a compound corresponding to formula (II), where $n=3$.

Further, the N-silylalkylaspartic ester disclosed in the '108 document differs in composition from the N-silylalkylaspartic ester of new Claim 17 of the present application. R^2 , as shown in formula (II) of Claim 17 is an aminoethyl group. If products in which R^2 denotes an aminoethyl group are used as aminosilanes, silane piperazinone derivatives may be formed through a cyclocondensation reaction. The '108 document neither teaches the presence of an R^2 aminoethyl group in a silane nor the formation of silane piperazinone derivatives. None of the silanes listed in

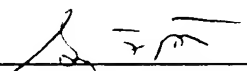
Table I of the '108 document contains any second amino functional group: specifically, none of the silanes listed contains an aminoethyl group. Formula I of the '108 document depicts only a monofunctional secondary amine; all of the compounds resulting from the reaction of an aminosilane and an ester according to the new Claim 17 contain two amine groups. The amine group in new Claim 17 that corresponds to the amine on Formula I of the '108 document is a tertiary amine rather than a secondary amine. Consequently, the compounds of new Claim 17 are not anticipated by, or obvious in view of, the compounds disclosed in the '108 document.

Furthermore, the compounds of Claim 7 are not anticipated by, or obvious in view of, the compounds disclosed in the '108 document. Therefore, Applicants' claims are deemed to be patentable and unanticipated. For these reasons, the withdrawal of the rejection of Claims 7, 8, 10, 11, 13 and 14 under 35 U.S.C. §102(b) as being anticipated by EP 831108 ("the '108 document") is respectfully requested.

CONCLUSION

Applicants submit that the present application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 7-17. If the Examiner is of the opinion that the present application is in condition for other than allowance, he is requested to contact the Applicants' attorney at the telephone number given below so that additional changes to the claims may be discussed.

Respectfully submitted,

By 

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